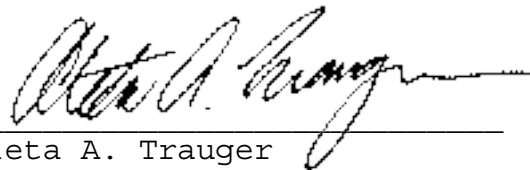


The plaintiff can not sue the defendant solely because of his status as a supervisor or chief executive officer. 42 U.S.C. § 1983 will not support a claim posed on a respondeat superior theory of liability. Polk County v. Dodson, 454 U.S. 312, 325 (1981). Supervisory liability under § 1983 can not be based upon a mere

failure to act. Active unconstitutional behavior is needed. Combs v. Wilkinson, 315 F.3d 548,558 (6<sup>th</sup> Cir.2002). Likewise, § 1983 relief will not be granted against a jail official whose only involvement was the denial of administrative remedies. Summers v. Leis, 368 F.3d 881,888 (6<sup>th</sup> Cir.2004); *see also* Shehee v. Luttrell, 199 F.3d 295,300 (6<sup>th</sup> Cir.1999).

In this case, there has been no showing that the defendant either participated in or condoned the sexual assault upon the plaintiff. Personal liability "must be based on the actions of that defendant in the situation that the defendant faced, and not based on any problems caused by the errors of others." Gibson v. Matthews, 926 F.2d 532, 535 (6<sup>th</sup> Cir.1991). Consequently, this action is subject to dismissal because the plaintiff has failed to state a claim against the defendant upon which relief can be granted. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

Aleta A. Trauger  
United States District Judge